

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 California Department of Justice
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5318
Facsimile: (916) 324-5567

7 Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. *2008-205*

14 MA TERESA SAGARAL ACOSTA,
a.k.a. MA TERESA S. ACOSTA,
15 a.k.a. MA TERESA ACOSTA
6085 N. Summercreek Court
Fresno, CA 93722

ACCUSATION

16 Registered Nurse License No. 532554

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Ruth Ann Terry, M.P.H., R.N. ("Complainant") brings this Accusation
22 solely in her official capacity as the Executive Officer of the Board of Registered Nursing
23 ("Board"), Department of Consumer Affairs.

24 2. On or about May 29, 1997, the Board issued Registered Nurse License
25 Number 532554 to Ma Teresa Sagaral Acosta, also known as Ma Teresa S. Acosta and Ma
26 Teresa Acosta ("Respondent"). Respondent's registered nurse license was in full force and effect
27 at all times relevant to the charges brought herein and will expire on November 30, 2008, unless
28 renewed.

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1 **COST RECOVERY**

2 8. Code section 125.3 provides, in pertinent part, that the Board may request
3 the administrative law judge to direct a licensee found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 9. At all times herein mentioned, Respondent was employed as a registered
9 nurse in the High-Risk Antepartum Unit ("HRAU")^{1/} of Community Medical Center ("CMC") in
10 Fresno, California. Respondent was on duty from 1852 hours on March 8, 2005, through 0755
11 hours on March 9, 2005, and from 1855 hours on March 9, 2005, through 0534 hours on March
12 10, 2005.

13 10. On or about March 6, 2005, Patient A, 43 years of age, was admitted to the
14 HRAU at approximately 29 weeks gestation with spontaneous rupture of the amniotic
15 membranes. The patient's past medical history included risk factors of two previous c-section
16 deliveries, one previous preterm delivery of an infant with hydrocephalous, and having suffered
17 seizures during her last delivery.

18 11. Respondent is subject to disciplinary action pursuant to Code section
19 2761, subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about March 9,
20 2005, while on duty as a registered nurse in the HRAU of CMC, Respondent was guilty of gross
21 negligence, within the meaning of Regulation 1442, as follows:

22 a. Respondent failed to perform the required hourly checks on her high-risk
23 patient, Patient A^{2/}.

24 b. Respondent failed to communicate her difficulty in prioritizing care for
25 four high-risk patients.

26
27 1. The HRAU at CMC is responsible for the care of patients with high-risk pregnancies.

28 2. The performance of hourly assessments was mandated by CMC for patients in the HRAU.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Incompetence)**

3 12. Complainant incorporates by reference as though fully set forth herein the
4 allegations contained in paragraphs 9 and 10 above.

5 13. Respondent is subject to disciplinary action pursuant to Code section
6 2761, subdivision (a)(1), on the grounds of unprofessional conduct. On or about March 9, 2005,
7 while on duty as a registered nurse in the HRAU at CMC, Respondent was guilty of
8 incompetence, within the meaning of Regulation 1443, as follows:

9 a. Respondent failed to communicate her difficulty in prioritizing care for
10 four high-risk patients.

11 b. Respondent failed, the previous shift, to notice and report a potentially
12 significant event on the external fetal monitoring strip for Patient A.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Unprofessional Conduct)**

15 14. Respondent is subject to disciplinary action pursuant to Code section
16 2761, subdivision (a), in that on or about March 9, 2005, while on duty as a registered nurse in
17 the HRAU at CMC, Respondent committed acts constituting unprofessional conduct, as set forth
18 in paragraphs 11 and 13 above.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein
21 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 532554, issued
23 to Ma Teresa Sagral Acosta, also known as Ma Teresa S. Acosta and Ma Teresa Acosta;

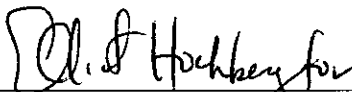
24 2. Ordering Ma Teresa Sagral Acosta, also known as Ma Teresa S. Acosta
25 and Ma Teresa Acosta, to pay the Board of Registered Nursing the reasonable costs of the
26 investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3; and

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3. Taking such other and further action as deemed necessary and proper.

DATED: 1/2/08


RUTH ANN TERRY, M.P.H., R.N.
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant